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09/532,804	03/21/2000	Khalid Monir A. El-Rafie	03941.86972	7370

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EXAMINER
EDELMAN, BRADLEY E

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 06/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/532,804	Applicant(s) EL-RAFIE, KHALID MONIR A.	
	Examiner Bradley Edelman	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-5,7,9,24 and 26-52* is/are pending in the application.

4a) Of the above claim(s) *38-52* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-5,7,9,24 and 26-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 March 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on March 15, 2004. Claims 2-5, 7, 9, 24, and 26-52 are presented for further examination. Claims 26-52 are new claims. Claims 38-52 have been withdrawn from consideration as directed to non-elected subject matter (see restriction requirement below).

Note: In the PCT application (PCT US98/20164), from which the present Application claims priority, U.S. Patent No. 5,852,721 to Dillon et al. was indicated as an "X" reference for claims 1-25. In rejecting the present claims, Examiner has used a related patent by the same inventor (U.S. Patent 6,571,296 to Dillon). Both Dillon references disclose the same material regarding the claimed invention and originate from the same ultimate parent application (08/257,670), and thus Examiner has opted to apply the more recent application in rejecting the claims.

Information Disclosure Statement

1.   The information disclosure statement filed on March 15, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Applicant has failed to supply a legible copy of each U.S. patent listed in the IDS. It has been placed in the application file, but the information referred to therein has not been considered.

Election/Restrictions

2.   Newly submitted claims 39-52 are directed to an invention that is independent or

distinct from the invention originally claimed for the following reasons:

Group I: Claims 39-45, and 48-50 describe sending and receiving unencapsulated

packets over a hybrid satellite system. These claims are classified in

class 709, subclass 236, and would require a separate search from both

the Group II claims and the originally claimed invention.

Group II: Claims 38, 46-47, and 51-52 describe a dual-host system for sending

information according to hop distance and location between routers or

hosts. These claims are classified in class 709, subclass 238, and would

require a separate search from both the Group I claims and the originally

claimed invention.

Inventions I and II and the originally claimed invention are all related as

subcombinations disclosed as usable together in a single combination. The

subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I has separate utility such as sending unencapsulated

packets in a network, invention II has separate utility such as routing information in a

network according to hops, and the originally claimed invention has separate utility,

such as allowing a user terminal to select the return address for messages. See MPEP

§ 806.05(d).

Only the amended original claims are directed to the original invention as filed.

Since applicant has received an action on the merits for the originally presented

invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claims 38-52 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §

821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 2 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by

Dillon (U.S. Patent No. 6,571,296).

In considering claim 2, Dillon discloses an asymmetric satellite based terminal

device ("personal computer," "hybrid terminal 110," Fig. 1; col. 3, lines 51) configured to

receive Internet data from a satellite using a standard TCP/IP stack (col. 4, lines 20-23,

"standard interface between the TCP/IP software 210 and driver 114"), the terminal

device comprising:

A personal computer ("personal computer") comprising:

A modem ("modem," col. 4, line 12) in communication with an

Internet Service Provider (ISP) ("SLIP provider," col. 4, line 43)

An expansion card based satellite receiver ("satellite interface hardware 120," col. 4, line 13) in communication with a Network Operating Center (NOC) ("hybrid service provider," col. 4, line 46), the NOC having a range of IP addresses assigned thereto (col. 4, lines 45-46, wherein the hybrid service provider allocates IP addresses to the satellite receivers); and

An operating system (inherent), the operating system including the standard TCP/IP stack (col. 4, lines 20-23, "standard interface between the TCP/IP software 210 and driver 114");

A first driver configured to access the expansion card based satellite receiver ("driver portion 116" of driver 114; col. 6, lines 11-13); and

A second driver configured to access the modem ("driver portion 118" of driver 114; col. 6, lines 5-11);

Wherein the first driver routes data from the satellite receiver card to the standard TCP/IP stack, the second driver routes request data from the standard TCP/IP stack to the modem (col. 5, lines 4-12), and the modem is configured to send the request data to the ISP (col. 5, lines 10-15; col. 6, lines 13-21), the request data as sent from the modem having a source address from the range of IP addresses assigned to the NOC (col. 5, lines 11-12, "packet has a source IP address corresponding to satellite interface 120 [which was allocated from the NOC]," wherein the encapsulated packet sent from the modem still has the satellite interface source IP address), whereby asymmetric satellite communication is enabled.

In considering claim 24, Dillon discloses a method comprising configuring an

Internet service provider ("SLIP provider 130") to return data requested by users from

resources which are connected to a first hop via terrestrial links ("request from hybrid

terminal 110 is carried through the Internet 128 to application server 140," wherein the

resources are connected to a first hop via terrestrial links) and to return data requested

by the users from resources which are connected to a second hop via a satellite link ("a

response of application server 140 is carried back to the user at a hybrid terminal 110

via the satellite link," wherein the resources are connected to a first hop via a satellite

link). See col. 4, lines 35-50.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 3-5, 7, 9, and 32-34 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Dillon, in view of Butler et al. (U.S. Patent Application No.

2002/0007493, hereinafter "Butler").

In considering claim 3, ("personal computer," "hybrid terminal 110," Fig. 1; col. 3,

lines 51) configured to receive Internet data from a satellite using a standard TCP/IP

stack (col. 4, lines 20-23, "standard interface between the TCP/IP software 210 and

driver 114"), a network operations center located at a distance from the asymmetric satellite based terminal device ("hybrid service provider," col. 4, lines 45-46), and an Internet having a plurality of remote hosts ("Internet 128," col. 5, line 64), wherein the terminal device is configured to send Internet request data to the remote hosts with a return address of the network operations center (col. 4, lines 45-46; col. 5, lines 10-12, wherein the IP address corresponding to the satellite interface is an IP address assigned by and allocated to the hybrid service provider).

However, Dillon does not specifically describe that the requested Internet data is web page data. Dillon describes that files (i.e. FTP) are downloaded, but does not otherwise focus on the type of data requested. Nonetheless Dillon contemplates using the asymmetric terminal device for large downloads and high-speed transfers of information (see col. 1, lines 1-31), and the use of satellite links to download web page data is well known, as evidenced by Butler. In a similar art, Butler discloses a satellite distribution system for PCs, wherein users can request to and receive HTML data over the satellite network (Abstract). Thus, given the teaching of Butler, a person having ordinary skill in the art would have readily recognized the desirability and advantages of using the Dillon system to download web page data, so that system users can view large web pages in addition to downloading large files, and can thus gain access to the millions of pages of information available on the Web. Therefore, it would have been obvious to include web page data for download, as taught by Butler, in the system taught by Dillon.

In considering claim 4, Dillon further discloses that the operations center is

configured to encapsulate data output to the terminal device from the network

operations center (inherent in the system, since the NOC is the hybrid service provider,

which, as the service provider for the terminal, necessarily routes all satellite information

to and from the hybrid terminal). However, Dillon does not disclose that the data is

MGEP-2 data. Dillon describes that files (i.e. FTP) are downloaded, but does not

otherwise focus on the type of data requested. Nonetheless Dillon contemplates using

the asymmetric terminal device for large downloads and high-speed transfers of

information (see col. 1, lines 1-31), and the use of satellite links to download MPEG-2

data is well known, as evidenced by Butler. In a similar art, Butler discloses a satellite

distribution system for PCs, wherein users can request to and receive MPEG-2 data

over the satellite network (Abstract; ¶ [0015]). Thus, given the teaching of Butler, a

person having ordinary skill in the art would have readily recognized the desirability and

advantages of using the Dillon system to download MPEG-2 data, so that system users

can view video in addition to downloading large files. Therefore, it would have been

obvious to include MPEG-2 data for download, as taught by Butler, in the system taught

by Dillon.

In considering claim 5, as discussed with regard to claim 3, Butler discloses

downloading web pages in the satellite distribution system (Abstract). It would have

been obvious to a person having ordinary skill in the art to include web page data for

download, as taught by Butler, in the system taught by Dillon, so that a user could

download large web pages in addition to FTP files, and can thus gain access to the

millions of pages of information available on the Web.

In considering claim 7, Dillon discloses an asymmetric satellite system

comprising a network operations center ("hybrid service provider"), an Internet having a

plurality of hosts ("Internet 128"), and a terminal device ("hybrid terminal 110") located at

a distance from the network operations center and configured to utilize an IP address

belonging to the network operations center (col. 4, lines 45-46) such that access

requests across the Internet are returned to the network operations center (col. 5, lines

10-12), wherein the terminal device is a personal computer ("personal computer")

having a modem ("modem 190"), an expansion card based satellite receiver ("satellite

receiver 180") and an operating system (inherent) including the standard TCP/IP stack

(col. 4, lines 20-23, "standard interface between the TCP/IP software 210 and driver

114"), and an application program for assigning the IP address as a return address of

the terminal device (col. 5, lines 10-12, wherein the application program is inherent),

wherein the terminal device is configured to issue requests for files with a return

address of the network operations center (col. 5, lines 10-12) .

However, as previously stated, Dillon does not explicitly state that the system is

used for downloading Web pages. Nonetheless, as discussed with regard to claim 3,

Butler discloses downloading web pages in the satellite distribution system (Abstract). It

would have been obvious to a person having ordinary skill in the art to include web page

data for download, as taught by Butler, in the system taught by Dillon, so that a user

could download large web pages in addition to FTP files, and can thus gain access to the millions of pages of information available on the Web.

Claim 9 contains no further limitations over claim 7, and is thus rejected for the same reasons.

In considering claim 32, Dillon further discloses an ISP ("hybrid service provider") connected between the terminal device and the Internet, wherein the ISP is configured to assign to the terminal device an IP address associated with the network operations center (col. 4, lines 45-46, wherein the network operations center and the ISP are both part of the hybrid service provider).

In considering claim 33, although the system taught by Dillon discloses the address assignment described in claim 32, it does not disclose how the addresses are assigned, and thus does not disclose that the address assignment is dynamic IP address assignment. Nonetheless, Examiner takes official notice that it is well known for IP addresses to be assigned dynamically. This is commonly done to preserve the number of available IP addresses in a network. Thus, given this knowledge, it would have been obvious to a person having ordinary skill in the art to dynamically assign the IP addresses disclosed by Dillon, in order to preserve the number of available IP addresses in the network.

In considering claim 34, although the system taught by Dillon discloses the address assignment described in claim 32, it does not disclose how the addresses are assigned, and thus does not disclose that the address assignment is static IP address assignment. Nonetheless, Examiner takes official notice that it is well known for IP addresses to be assigned statically. This is commonly done to simplify the process of maintaining IP address location tables. Thus, given this knowledge, it would have been obvious to a person having ordinary skill in the art to statically assign the IP addresses disclosed by Dillon, to avoid the need to continuously update all of the IP address tables in the network.

5.   Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon.

In considering claim 26, Dillon further discloses that the terminal device is assigned an IP address from the range of IP addresses assigned to the NOC (col. 4, lines 45-46, "the other IP address corresponds to satellite interface 120 and is assigned by a hybrid service provider"). However, Dillon does not explicitly describe *how* the address is assigned, and thus does not disclose that the addresses are dynamically assigned. Nonetheless, Examiner takes official notice that it is well known for IP addresses to be assigned dynamically. This is commonly done to preserve the number of available IP addresses in a network. Thus, given this knowledge, it would have been obvious to a person having ordinary skill in the art to dynamically assign the IP

addresses disclosed by Dillon, in order to preserve the number of available IP

addresses in the network.

In considering claim 27, Dillon further discloses that the terminal device is

assigned an IP address from the range of IP addresses assigned to the NOC (col. 4,

lines 45-46, "the other IP address corresponds to satellite interface 120 and is assigned

by a hybrid service provider"). However, Dillon does not explicitly describe *how* the

address is assigned, and thus does not disclose that the addresses are statically

assigned. Nonetheless, Examiner takes official notice that it is well known for IP

addresses to be assigned statically. This is commonly done to simplify the process of

maintaining IP address location tables. Thus, given this knowledge, it would have been

obvious to a person having ordinary skill in the art to statically assign the IP addresses

disclosed by Dillon, to avoid the need to continuously update all of the IP address tables

in the network.

In considering claim 28, Dillon further discloses that the IP address is associated

with a subscriber of satellite service provider via the NOC (col. 4, lines 45-46, wherein

the hybrid service provider serves as both the satellite service provider and the NOC).

6.   Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dillon, in view of Hrastar et al. (U.S. Patent No. 6,208,656, hereinafter "Hrastar").

In considering claim 29, Dillon further discloses that the terminal device is assigned an IP address from the range of IP addresses assigned to the NOC (col. 4, lines 45-46, "the other IP address corresponds to satellite interface 120 and is assigned by a hybrid service provider"). However, Dillon does not explicitly describe *how* the address is assigned, and thus does not disclose that the IP address is assigned based on a token. Nonetheless, assigning IP addresses based on tokens is well known, as evidenced by Hrastar. In a similar art, Hrastar discloses a system for accessing information on the Internet, wherein host devices are assigned IP addresses based on an ID that uniquely identifies the cable that the host modem is connected to (col. 16, lines 30-32, 45-47). Given the teaching of Hrastar, a person having ordinary skill in the art would have readily recognized the desirability and advantages of assigning the IP addresses taught by Dillon according to a unique ID of the modem used for network access, in order to allocate IP addresses in a simple, organized manner. Therefore, it would have been obvious to use the token method taught by Hrastar to allocate the IP addresses in the system taught by Dillon.

In considering claim 30, Hrastar further discloses that the token is a data key ("frequency,streamID pair... uniquely identify[ies] the cable that the RF modem is connected to").

In considering claim 31, Hrastar further discloses that the token is an ID value ("frequency,streamID pair... uniquely identify[ies] the cable that the RF modem is connected to").

7.   Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon, in view of Butler, and further in view of Hrastar.

In considering claim 35, the system taught by Dillon and Butler further discloses that the terminal device is assigned an IP address from the range of IP addresses assigned to the NOC (Dillon, col. 4, lines 45-46, "the other IP address corresponds to satellite interface 120 and is assigned by a hybrid service provider"). However, neither Dillon nor Butler explicitly describe *how* the address is assigned, and thus does not disclose that the IP address is assigned based on a token. Nonetheless, assigning IP addresses based on tokens is well known, as evidenced by Hrastar. In a similar art, Hrastar discloses a system for accessing information on the Internet, wherein host devices are assigned IP addresses based on an ID that uniquely identifies the cable that the host modem is connected to (col. 16, lines 30-32, 45-47). Given the teaching of Hrastar, a person having ordinary skill in the art would have readily recognized the desirability and advantages of assigning the IP addresses taught by Dillon according to a unique ID of the modem used for network access, in order to allocate IP addresses in a simple, organized manner. Therefore, it would have been obvious to use the token method taught by Hrastar to allocate the IP addresses in the system taught by Dillon and Butler.

In considering claim 36, Hrastar further discloses that the token is a data key ("frequency,streamID pair... uniquely identify[ies] the cable that the RF modem is connected to").

In considering claim 37, Hrastar further discloses that the token is an ID value ("frequency,streamID pair... uniquely identify[ies] the cable that the RF modem is connected to").

Response to Arguments

In response to Applicant's request for reconsideration filed on March 15, 2004, the following factual arguments are noted:

a.   Dillon does not teach or suggest that the hybrid terminal issues requests for web pages using an address of the satellite system as a source address of the requests.

b.   Dillon does not teach that the terminal device sends to an ISP request data having a source address assigned to the NOC, as required by claim 2.

c.   Dillon does not disclose or suggest configuring an Internet service provider to return data via a terrestrial link.

d.   Dillon does not disclose a method comprising configuring an Internet service provider to return data requested by users from resources which are connected to a first hop via terrestrial links, as claimed in claim 24.

In considering (a), Applicant contends that Dillon does not teach or suggest that the hybrid terminal issues requests for web pages using an address of the satellite system as a source address of the requests. Applicant explains that Dillon teaches that the outgoing requests have as their source address an address of the SLIP provider, and therefore do not have as a source address an address of the satellite system. Examiner respectfully disagrees. Dillon describes that the requests have as a source address *both* the address of the satellite system (IP address assigned from the hybrid service provider to the satellite interface of the terminal device) *and* the address of the SLIP provider (see col. 5, lines 11-18, describing that the first IP packet, including the source address of the satellite system, is encapsulated by the second IP packet). Thus, the requests sent by the terminal device of Dillon do in fact have as their source address an address of the satellite system.

In considering (b), Applicant contends that Dillon does not teach that the terminal device sends to an ISP request data having a source address assigned to the NOC, as required by claim 2. Examiner respectfully disagrees. Dillon describes that the source address of the requests sent to the SLIP (ISP) is the address assigned by the hybrid service provider (col. 4, lines 45-46, wherein the hybrid service provider acts as the NOC). Thus, Dillon discloses the system as claimed in claim 2.

In considering (c), Applicant contends that Dillon does not disclose or suggest configuring an Internet service provider to return data via a terrestrial link. In response

to this argument, note that the features upon which applicant relies (i.e., configuring an

ISP to return data via a terrestrial link) are not recited in the rejected claim(s). Although

the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057

(Fed. Cir. 1993).

In considering (d), Applicant contends that Dillon does not disclose a method

comprising configuring an Internet service provider to return data requested by users

from resources which are connected to a first hop via terrestrial links, as claimed in

claim 24. Examiner respectfully disagrees, for the reasons given in the claim rejection

above. Note that the modifier "via terrestrial links" modifies the phrase "connected to

the first hop" and not the phrase "return data." Thus, as described in the above claim

rejection, Dillon discloses that the resources queried are connected to a first hop via

terrestrial links (i.e. the Internet).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
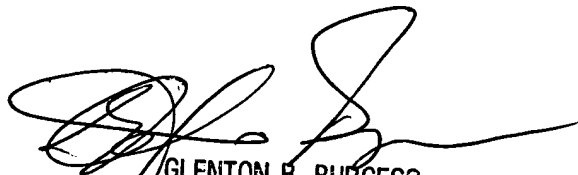
CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Edelman whose telephone number is (703) 306-3041. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

For all correspondences: (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

BE
June 9, 2004